

01-05-2024
Item No.202 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.5604 of 2024
United Enterprise & Ors.

-vvs-

The State of West Bengal & Ors.

Ms. Mousumi Bhowal
Mr. Ishan Bhattacharya ...for the petitioners

Mr. Sirsanya Bandyopadhyay
Mr. Tirthankar Dey ...for the Corporation

Mr. Santanu Kumar Mitra, SGA
Ms. Rama halder ...for the State

Learned advocate for the petitioners does not want to press prayer (b) to the writ petition, as she seeks to agitate it in a separate proceeding.

Leave is granted to move the writ petition without prayer (b). It will be open for the petitioners to agitate prayer (b) before the competent forum in accordance with law.

The petitioners pray for cancellation/setting aside the order passed by the Commissioner of Bidhannagar Municipal Corporation dated February 7, 2023.

Learned advocate for the Corporation has brought to the notice of this court of an order dated February 28, 2024 passed by the Hon'ble Division Bench in MAT No.2476 of 2023 with CAN No.1 of 2023 and CAN No.2 of 2023 (Manashi Banerjee & Ors. v. United Enterprise & Ors.).

The appeal was carried from an order dated December 11, 2023 passed in WPA No.26385 of 2023. The Hon'ble Division Bench was pleased to modify the order passed by this Bench and directed the Commissioner of the Corporation to serve notice of final hearing on the appellants and all other flat owners of the building in question, including the writ petitioners (United Enterprise & Ors.) and permit them to participate in the proceedings to be held by the Commissioner.

In view of the order passed by the Hon'ble Division Bench, the order impugned herein becomes infructuous.

The commissioner of the Bidhannagar Municipal Corporation is directed to take steps strictly in terms of the order of the Hon'ble Division Bench dated February 28, 2024.

The instant writ petition stands disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

